

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. DNCW 3:02CR121-01
	)	(Financial Litigation Unit)
DAVID E. CHOATE,	)	
Defendant,	)	
and	)	
	)	
BURNS CHEVROLET CADILLAC,	)	
	)	
Garnishee.	)	

**ORDER OF GARNISHMENT**

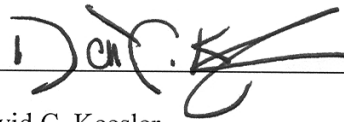
**THIS MATTER** is before the Court on the answer of Burns Chevrolet Cadillac as the Garnishee. On November 14, 2002, the Honorable Judge Lacy H. Thornburg sentenced the defendant to 21 months imprisonment for his conviction of conspiracy to commit bank fraud and aiding and abetting in violation of 18 U.S.C. §1344 and §2, respectively. Judgment in a Criminal Case, filed November 14, 2002. As part of that Judgment, the Defendant was ordered to pay an assessment of \$100.00 and restitution of \$1,186,615.44 to the victims of the crime. *Id.*

The Government now seeks to garnish the Defendant's earnings from the garnishee. The Answer of the Garnishee provides that Garnishee anticipates additional earnings in the form of new wages (gross pay minus total tax withholdings) in the amount of \$177.80 weekly.

The United States requests that 20% of the Defendant's earnings which remain after all deductions required by law have been withheld and 100% of all 1099 payments be applied to the United States' garnishment, and that the Government's garnishment take immediate effect. *See* 28 U.S.C. § 3205(c)(10).

**IT IS THEREFORE ORDERED** that an Order of Garnishment is hereby **ENTERED** in the amount of \$1,180,765.44 computed through September 22, 2009, which attaches to any earnings of the Defendant and up to 20% shall be garnished in favor of the United States until the Defendant's restitution debt is paid in full.

Signed: November 9, 2009

  
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David C. Keesler  
United States Magistrate Judge

